

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	CONSENT PRELIMINARY ORDER OF
UNITED STATES OF AMERICA	:	<u>FORFEITURE/MONEY JUDGMENT</u>
	:	
-v.-	:	14 Cr. 240 (DLC)
	:	
BENITO CHINEA,	:	
	:	
Defendant.	:	
	:	
-----	X	

RECEIVED
ELECTRONICALLY

12/17/2014

WHEREAS, on April 10, 2014, BENITO CHINEA (the "Defendant"), and another, were charged in a sixteen-count Indictment, 14 Cr. 240 (DLC) (the "Indictment"), with conspiracy to violate the Foreign Corrupt Practices Act and to violate the Travel Act, in violation of Title 18, United States Code, Section 371 (Count One); violations of the Foreign Corrupt Practices Act, in violation of Title 15, United States Code, Section 78dd-2(a)(1) and Title 18, United States Code, Section 2 (Counts Two through Six); violations of the Travel Act, in violation of Title 18, United States Code, Sections 1952 and 2 (Counts Seven through Eleven); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Twelve); and money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2 (Counts Thirteen through Fifteen);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Eleven of the Indictment seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Eleven of the Indictment, and all property traceable to such property;

WHEREAS, the Indictment included a forfeiture allegation as to Counts Twelve through Fifteen of the Indictment seeking, pursuant to Title 18, United States Code, Section 982(a)(1), the forfeiture of all property, real and personal, involved in the offenses charged in Counts Twelve through Fifteen of the Indictment, and all property traceable to such property;

WHEREAS, on December 17, 2014, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, a sum of money equal to \$3,636,432 in United States currency, representing all property, real or personable, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$3,636,432 in United States currency, representing all property, real or personable, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorneys Harry A. Chernoff and Jason H. Cowley, of counsel, James M. Koukios, Trial Attorney, Fraud Section, Criminal Division, United States Department of Justice, and the Defendant, and his counsel, David B. Massey, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$3,636,432 in United States currency (the "Money Judgment") shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, BENITO CHINEA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the Defendant's name and case number.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Sharon Cohen Levin, Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

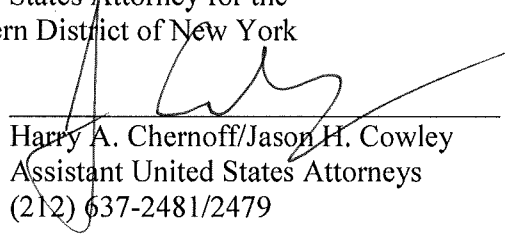
8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA

United States Attorney for the
Southern District of New York

By:



Harry A. Chernoff/Jason H. Cowley
Assistant United States Attorneys
(212) 637-2481/2479

12/16/14
DATE

James M. Koukios
Trial Attorney
U.S. Department of Justice


BENITO CHINEA
DEFENDANT

By:


BENITO CHINEA

12/17/14
DATE

By:


DAVID B. MASSEY, ESQ.
Attorney for Defendant

12/17/14
DATE

SO ORDERED:


HONORABLE DENISE L. COTE
UNITED STATES DISTRICT JUDGE

December 17, 2014
DATE